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PATENT
Attorney Ref. No. 81864.0064
Customer No. 26021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Mitsuru FUJII et al.
Serial No: 10/541,518
Confirmation No.: 2011
Filed: July 7, 2005
For: Pattern Formation Device, Pattern
Formation Method and Pattern
Formation System

Art Unit: 1722

Examiner: Nguyen, Thukhanh T.

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 18, 2006

Date of Deposit

Juanita Soberanis

Name

Signature Date 12/18/2006

Signature

Date

TRANSMITTAL LETTER

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following:

- ☒ Petition Under 37 CFR 1.47(a).
- ☒ Exhibits A-I.
- ☒ Return Postcard.

The Commissioner is hereby authorized to charge any deficiency in payment or
credit any overpayment to Deposit Account No. 50-1314. A copy of this Transmittal is
enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: December 18, 2006

By:

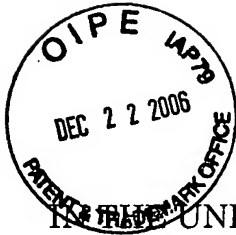
Dariush G. Adli

Registration No. 51,386

Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Telephone: 310-785-4600
Facsimile: 310-785-4601

Best Available Copy



PATENT
Attorney Ref. No. 81876.0064
Customer No. 26021

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mitsuru FUJII et al.

Serial No: 10/541,518

Filed: July 7, 2005

For: Pattern Formation Device, Pattern
Formation Method and Pattern
Formation System

Art Unit: 1722

Examiner: Nguyen, Thukhanh T.

Confirmation No: 2011

**PETITION UNDER 37 C.F.R. § 1.47(a) FOR
FILING ON BEHALF OF A JOINT INVENTOR
WHO DOES NOT SIGN**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully petitions the Office to accept filing of the above-captioned application under 37 C.F.R. 1.47(a) and 35 USC 116, because one of the joint inventors, Jideki KISHI, does not sign the oath/declaration.

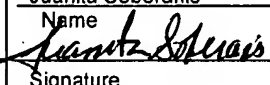
The present petition incorporates the previous petition dated July 10, 2006 and responds to Patent Office's decision dated October 18, 2006.

As required by MPEP § 409.03, Applicant is complying with the requirements of 37 CFR 1.47 concurrently with the submission of the required signed declaration and the attached exhibits.

The Declaration is executed by Miyuki Horikawa, patent attorney of Oba & Associates, who was authorized to sign the declaration by the Applicant, and has first hand knowledge of the following facts (Ex. A).

Jideki KISHI's last known address is Ushiku-Cho, Ushiku-sho, Ibaraki 300-1221, Japan.

Mr. KISHI was sent a copy of the required declaration to his last known address on two occasions via registered mail. Copies of the Post Office receipts are

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on	
December 18, 2006	
Date of Deposit	
Juanita Soberanis	
Name	
	12/18/2006
Signature	Date

attached hereto (Ex. B-D). The translated register mail receipts are attached as Ex. E-G. A declaration stating that the translation is good is attached as Ex. H.

Moreover, a declaration executed by Miyuki Horikawa stating that he has not received notice of undelivered mails is attached hereto (Ex. I). As illustrated in the translated register mail receipts (Ex. E-G), the sender's address is included thereon. The Post Office, upon failure to deliver those register mails, would return the undelivered mail and a notice for failure to delivery to the sender. The declaration (Ex. I) states that Applicant has not received any such notification from the Post Office, indicating successful deliveries.

Accordingly, Applicant respectfully submits that Jideki KISHI has constructively received Applicant's requests to join the prosecution of the instant application, and has refused to do so.

Alternatively, Applicant respectfully submits the register mail receipts and the lack of notice for undelivered register mails establish that the inventor Jideki KISHI cannot be found. Moreover, Applicant has called Jideki KISHI's last known place of work on several occasions, and cannot locate him. Accordingly, Applicant respectfully requests the Patent Office consider the present petition for joint inventor who cannot be found under 37 C.F.R. 1.47(a).

Applicant submits herewith the fee (\$130) set forth in § 1.17(i).

The Commissioner is hereby authorized to charge any deficiency in payment or credit any overpayment to Deposit Account No. 50-1314. A copy of this Transmittal is enclosed.

Enclosures:

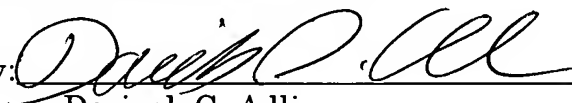
Declaration signed by Miyuki Horikawa (Ex. A)
Copy of the Notice To File Missing Parts Post Office Receipt for
Correspondence with Mr. KISHI (Ex. B-D)
Translated register mail receipts (Ex. E-G)
Translation-is-good Statement (Ex. H)
Declaration signed by Miyuki Horikawa for having not received notice of
undelivered mails. (Ex. I)

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: December 18, 2006

By:



Dariush G. Adli

Registration No. 51,386

Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601



DECLARATION OF MIYUKI HORIKAWA IN SUPPORT OF
PETITION REGARDING APPLICATION NO. 10/541,518 ON BEHALF OF
AN INVENTOR REFUSE TO JOIN (37 C.F.R SECTION 1.47(a))

Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

I, Miyuki HORIKAWA, declare:

1. I am the representative in Japan of the SCIVAX CORPORATION ("SCIVAX"), ASSIGNEE the of above-referenced application.
2. I diligently attempted without success to contact Hideki KISHI ("KISHI") by registered mail in three different occasions in regard to the filing and prosecution of the patent application. To that end, I sent separate copies of the application (specification, claims, drawings and declaration) and cover letters of instructions (Exhibit A) explaining the need for Mr. KISHI's participation in its preparation to him via registered mail to the addresses shown below on August 11, 2005, March 24, 2006 and June 26, 2006 .

Ushiku-Cho, Ushiku-shi,
Ibaraki 300-1221, Japan
3. The above address was provided to me by Mr. Tatsushi GOCHO, managing director of SCIVAX Corporation, as the last known residence addresses for Mr. KISHI. The letters to Mr. KISHI were NOT returned. True and correct copies of the receipts of the August 11, 2005, March 24, 2006 and June 26, 2006 mail to Mr. KISHI are attached as Exhibits "B", "C" and "D" hereto.
4. Moreover, I have called Mr. KISHI's last known employer, Device Nanotech Research Institute Inc., but was unsuccessful in reaching Mr. KISHI. The information of the last known employer was provided to me by Mr. Tatsushi GOCHO, SCIVAX Corporation.

5. In addition, I attempted without success to find Mr. KISHI's telephone number, by applying a service for searching a desired telephone number for a charge, provided by Nippon Telegraph and Telephone East Corporation.
6. Moreover, I attempted without success to obtain Mr. KISHI's recent information, by conducting a patent search using the database of JAPAN PATENT OFFICE.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I make the statement set forth above, of my own personal knowledge and, if called upon to do so, could testify competently thereto. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the Application and any corresponding patent.

Executed at Tokyo, Japan, on July 6, 2006.



Miyuki HORIKAWA
Oba & Associates



Exhibit A

August 11, 2005

Hideki KISHI, Esq.

**Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731**

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- WO publication of PCT/JP03/015731 including specification, claims, drawings, and abstract,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by August 26 (Friday), 2005. Thank you in advance for your cooperation.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721



Exhibit A

March 24, 2006

Hideki KISHI, Esq.

Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- WO publication of PCT/JP03/015731 including specification, claims, drawings, and abstract,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by April 3 (Monday), 2006. Thank you in advance for your cooperation.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721

June 26, 2006

Hideki KISHI, Esq.

Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- English specification, claims and drawings of PCT/JP03/015731,
- WO publication of PCT/JP03/015731,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by July 3 (Monday), 2006. The due date for filing declaration and power of attorney is approaching, therefore, your cooperation on this matter would be highly appreciated.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名) 大場国際特許事務所					様 簡 易 書 留 郵便局
〒100-0001 東京都千代田区千代田1-1-1 KMBビル TEL: 03-5821-2750 FAX: 03-5821-2721					
受取人の氏名	引受番号	郵便料	申出損害要償額		
岸 英樹 様	316-03 221941	490			
様					
様					

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要ですから大切に保存してください。
簡易書留の損害賠償額は、原則として5万円を限度とする実損額です。
摘要欄: カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明)の記号: ナイ(内容証明)、トク(特別速達)、ダイ(代金引換)、ジ(引受時刻証明)、シテ(配達日指定)
配達状況がわかります。フリーダイヤル 0120-232886
インターネット <http://www.post.japanpost.jp>

17.8.11 12-13

Exhibit B

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名) 大場国際特許事務所					様
〒101-0032 東京都千代田区岩本町1-4-3 KMビル8階					
TEL: 03-5821-2720 FAX: 03-5821-2721					
受取人の氏名	引受番号	郵便料	申出損害賠償額	摘要	
山岸 英樹 様	400-03 1782-2	¥			
様					
様					

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要ですから大切に保存してください。
 簡易書留の損害賠償額は、原則として5万円を限度とする実損額です。
 摘要欄: カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明)の記号 ナイ(内容証明)、トク(特別送達)、ダイ(代金引換) ジ(引受時刻証明)、シテ(配達日指定)
 配達状況がわかります。フリーダイヤル 0120-232886
 インターネット <http://www.post.japanpost.jp>

18.3.24
12-18 郵便局

Exhibit C

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名)		大場国際特許事務所 〒101-0032 東京都千代田区岩本町1-4-3 KMビル3F TEL: 03-5821-2720(代) FAX: 03-5821-2721			様
受取人の氏名	引受番号	郵便料	申出損害要償額	摘要	
山岸 英樹 様	400 12 127460	780		(D)	
様					
様					

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要です。大切に保存してください。
 簡易書留の損害賠償額は、原則として5万円を限度とする実損額です。
 簡易書留: カン(簡易)、キロ(配達記録)、ソク(速達)、バイ(配達証明)の記号
 ナイ(内容証明)、トク(特別速達)、ダイ(代金引換)、ジ(引受時刻証明)、シテ(配達日指定)
 配達状況がわかります。フリーダイヤル 0120-232886
 インターネット <http://www.post.japanpost.jp>

2008
 11月12日
 郵便局

Exhibit D

Translation of Exhibit B

Receipt of Registered Mail / Delivery-Certified Mail (Copy for Sender)

(Sender's name and address) Oba & Associates 8F KM Bldg, 4-3, Iwamoto-cho 1-chome, Chiyoda-ku, Tokyo 101-0032 Tel:03-5821-2720 Fax:03-5821-2721			
Addressee's name	Mail Acceptance Number	Postage	Declared value
Hideki KISHI	316-0322194-1	¥490	

Simplified Registered Mail

POST OFFICE

August 11, 2005

Translation of Exhibit C

Receipt of Registered Mail / Delivery-Certified Mail (Copy for Sender)

(Sender's name and address) Oba & Associates 8F KM Bldg, 4-3, Iwamoto-cho 1-chome, Chiyoda-ku, Tokyo 101-0032 Tel:03-5821-2720 Fax:03-5821-2721			
Addressee's name	Mail Acceptance Number	Postage	Declared value
Hideki KISHI	400-0335783-3	¥490	

Simplified Registered Mail

POST OFFICE

March 24, 2006

Translation of Exhibit D

Receipt of Registered Mail / Delivery-Certified Mail (Copy for Sender)

(Sender's name and address) Oba & Associates 8F KM Bldg, 4-3, Iwamoto-cho 1-chome, Chiyoda-ku, Tokyo 101-0032 Tel:03-5821-2720 Fax:03-5821-2721			
Addressee's name	Mail Acceptance Number	Postage	Declared value
Hideki KISHI	400-1813746-0	¥740	

Simplified Registered Mail

POST OFFICE

June 26, 2006

TRANSLATION-IS-GOOD STATEMENT

Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

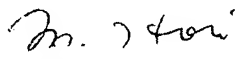
Dear Sir:

I, Miyuki HORIKAWA, Oba & Associates, KM Building 8th Floor, 1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN, hereby declare that the translation in the executed power of attorney declaration, which was executed by Mr. Hiroshi GOTO on June 21, 2005, executed by Mr. Mitsuru FUJII on June 15, 2005, and executed by Mr. Haruo YOSHIOKA on August 5, 2005, is good.

CERTIFIED by the said Miyuki HORIKAWA

at KM Building 8th Floor, 1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN

December 13, 2006


Miyuki HORIKAWA



DECLARATION OF MIYUKI HORIKAWA IN SUPPORT OF
PETITION REGARDING APPLICATION NO. 10/541,518 ON BEHALF OF
AN INVENTOR REFUSE TO JOIN (37 C.F.R SECTION 1.47(a))

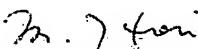
Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

I, Miyuki HORIKAWA, declare:

1. I am the representative in Japan of the SCIVAX CORPORATION ("SCIVAX"),
ASSIGNEE the of above-referenced application.
2. I have not received notices of undelivered registered mail for the registered mail receipts
(Exhibits B, C, and D). Therefore, I believe that the recipient, Mr. Hideki KISHI, has actually
received those mails.

Executed at Tokyo, Japan, on December 13, 2006.



Miyuki HORIKAWA
Oba & Associates

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